

From: (b) (6)
To: [Mason, Steve](#)
Subject: Important recent article re West, Texas US Senate Environment and Public Works Investigation
Date: Wednesday, May 01, 2013 10:46:06 AM

Steve:

If you haven't seen it, you should Google this recent "Nation Magazine" article. when you search "West, Texas Explosion"

Look for Nation Magazine Senate Environment and Public Works investigating West, Texas explosion . Senator Boxer asks EPA questions.

It lists the questions EPA is being asked on CAA 112R-Risk Management. It does not, as yet, bring up Texas' overall responsibility including to carry out the preparedness and response essentials of Sec 301-303 of EPCRA. It may be that the Texas All Hazards framework plan covers hazmat notification, public protective actions like evacuation, under the State plan's hazardous substances section. A quick look at the State plan or the County plan could/should show this.

I tried to forward the Magazine article but it didn't work so I cut out the portion below. The whole article gives an important 'heads up' of where the issue is going in the Senate. at this point. I sent Ragan the information below. I also added below some suggestions on what EPA might do .

Good luck. John

The Reporter for the Nation Magazine concludes:

"The plant's ammonium nitrate stock has been a subject of considerable debate since the explosion. The West Fertilizer [did report](#) its ammonium nitrate inventory to state and local authorities, as recently as February. It did not, however, report it to the Department of Homeland Security, as it is required by law to do. (Any operations that have a ton of ammonium nitrate or more must report it to DHS; West Fertilizer Co. had 270 tons.)

The company also did not report its ammonium nitrate stock to the EPA, and what Boxer's getting at here is that it wasn't even required to.

Even though the Clean Air Act mandated the EPA to reduce the risk from explosive chemicals, ammonium nitrate isn't on the list, despite being one of the more common explosive chemicals in commercial operations today. It's also one of the most dangerous—it's what Timothy McVeigh used to blow up the Murrah Federal Building in Oklahoma City.

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This isn't an accident—the Sunlight Foundation [reported](#) last week that agribusiness

giants have been lobbying the EPA hard not to regulate ammonium nitrate. Since 1998, lobbying disclosures from the Agricultural Retailers Association and the Fertilizer Institute have indicated “safety and security of chemical facilities” as their most frequent lobbying priority. The two groups have spent \$2.9 million and \$14.4 million on lobbying respectively in that period.

Now Boxer wants to know why those lobbying efforts have apparently been successful. It’s good that manufacturers have to disclose their inventory to DHS, but that agency is concerned with whether criminals can get access to the dangerous explosive—not more routine safety issues concerning storage and safety. That’s what the EPA should be doing.

Boxer’s [questions](#) for the CSB are more routine; she wants “a list and description of all recommendations you have made in the past relating to reducing risks at facilities that handle highly explosive and toxic materials and whether they have been adopted by government or industry.”

The hearings are a useful leverage point for Boxer—she reminds each agency that EPW will convene them soon and asks for answers by May 16. You can bet that EPA and CSB officials will be called to testify.

This is a good start, but what remains to be seen is if other Senate committees—and their counterparts in the House—will follow suit. The Senate Committee on Health, Education, Labor and Pensions has jurisdiction over the Occupational Safety and Health Administration, which only inspected the plant [once](#) since it opened. " (End of reporter's comments)

-----Also, Here are some of my suggestions to consider re West, Texas I'm in Seattle taking care of grand kids.

Good luck.

John G.

*EPA should reissue an updated version of the special ammonium nitrate alert sent to State Emergency Response Commissions and Local Emergency Planning Committees by the EPA Chemical Emergency Preparedness and Prevention Office: “Environmental Explosion Hazard From Ammonium Nitrate” (December 1997 EPA 550-F-97-002d). It relates to 112r of the Clean Air Act and the dangers of ammonium nitrate. Accompanying that alert LEPCs and SERCs also should receive a copy of the New Jersey technical alert on ammonium nitrate sent to New Jersey jurisdictions under the New Jersey Right-to-Know law. It is quite good. These documents are available on the Internet. I was involved with sending another special alert to LEPCs involving potential terrorist incidents after the Oklahoma City Murrah Building attack in 1995. The primary responsibility for implementing EPCRA is at the State and local level. However EPA has a leadership responsibility for EPCRA according to

whats on the internet.

*CAMEO, the Computer Assisted Management of Emergency Operations software developed by EPA/CEPPO and NOAA, should be reviewed so that scenarios involving ammonium nitrate explosions can be used in the development of local emergency response plans and exercises.

* Incident Preparedness addressing chemical facility explosions. I was involved with United Nations (UNECE) negotiations in the late 1990s in Geneva, the "UN Convention on the Transboundary Effects of Industrial Accidents". European countries are more experienced in addressing potential chemical accidents than we in the U.S., including explosions from ammonium nitrate. They use burms, buffer zones and special breakaway storage designs to mitigate potential impacts in urban areas. A little planning can help a lot. We learned from the perchlorate rocket fuel explosion in Clark County near Las Vegas, Nevada that even a raised railroad bed around a chemical facility can divert a chemical explosion upward saving lives and reducing damage to neighboring facilities. States and local governments can do a lot to mitigate potential impacts by our communicating lessons learned.

*National Response Team and Regional Response Teams. EPA, as the chair of the National Response Team, should set up a subcommittee of the NRT Preparedness or Response Committee to coordinate better the chemical facility incident preparedness and response activities of the EPA, Coast Guard, DOT pipelines program, OSHA, DHS and perhaps even the Chemical Safety Accident Safety Board. Regular meetings should be held as with other NRT subcommittees.. EPA has the authority to initiate this as the NRT chair. Elaine Davies and I started to do that after the passage of CAA 112r. EPA has the lead for Emergency Support Function #10 of the National Response Framework under Homeland Security Presidential #5 (Domestic Response) as of 2003 when it was signed by the President.